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8 *Dwight Neven, Jason Satterly,*
and Anthony Warren
9

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 JOHN MELNIK,

13 Plaintiff,

14 vs.

15 JAMES DZURENDA, et al.,

16 Defendants.

Case No. 3:16-cv-00670-MMD-CBC

**MOTION TO EXTEND THE DEADLINE
TO FILE MOTIONS FOR
SUMMARY JUDGMENT
(Second Request)**

17 Defendants, Stacy Barrett, Jay Barth, James Dzurenda, Dwight Neven, Jason Satterly, and
18 Anthony Warren, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Robert W.
19 DeLong, Deputy Attorney General, hereby move to extend the deadline to file dispositive motions in
20 this matter by 10 days.

21 This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff John Melnik
22 (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC). This Court
23 granted an initial 30-day motion for extension of time to file dispositive motions on May 13, 2019.
24 (ECF No. 51.) Federal Rule of Civil Procedure 6(b)(1) governs enlargements of time and provides as
25 follows:

26 When an act may or must be done within a specified time, the court
27 may, for good cause, extend the time: (A) with or without motion or
28 notice if the court acts, or if a request is made, before the original
time or its extension expires; or (B) on motion made after the time
has expired if the party failed to act because of excusable neglect.

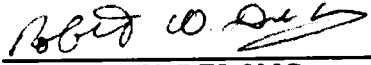
1 The proper procedure, when additional time for any purpose is needed, is to present a request
2 for extension of time before the time fixed has expired. *Canup v. Miss. Val. Barge Line Co.*, 31 F.R.D.
3 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
4 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
5 F.R.D. 268 (N.D. Ohio 1947). The present deadline to file motions for summary judgment is today,
6 June 10, 2019. (ECF No. 51 at 2.)

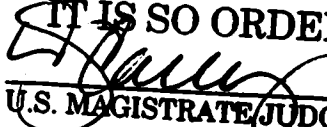
7 Defendants seek an enlargement of time to file dispositive motions in this matter because there
8 have been unforeseen staffing issues in the office recently. Two Deputy Attorney's General (DAG)
9 have left the office in the last 45 days, which has required the reassignment of several cases. In
10 addition, undersigned counsel is covering for another DAG's early mediation conference on Tuesday of
11 this week. Due to the unforeseen workflow changes, Defendants respectfully request that the deadline
12 to file motions for summary judgment in this matter be extended for an additional 10 days. Defendants
13 do not expect to request an additional extension for this deadline. If granted, the new deadline to file
14 motions for summary judgment would be Thursday, June 20, 2019.

15 Good cause exists to extend the time to file this motion. This request is made in good faith and
16 not for the purpose of delay. Defendants respectfully submit that none of the parties will be prejudiced
17 by the extension of time sought.

18 AARON D. FORD
19 Attorney General

20 By:


21 ROBERT W. DELONG
22 Deputy Attorney General
23 State of Nevada
24 Bureau of Litigation
25 Public Safety Division

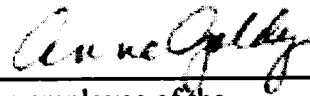
26 IT IS SO ORDERED
27 
28 U.S. MAGISTRATE JUDGE

DATED: 6/11/2019

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 10th day of June, 2019, I caused to be deposited for mailing in the U.S. Mail a copy of the foregoing, **MOTION TO EXTEND THE DEADLINE TO FILE MOTIONS FOR SUMMARY JUDGMENT (Second Request)**, to the following:

John Melnik, #30576
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070



An employee of the
Office of the Attorney General